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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

In Re Bard IVC Filters Products
Liability Litigation

No. MD-15-02641-PHX-DGC

**PLAINTIFFS' MOTION FOR LEAVE TO
FILE SURREPLY IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
MOTION TO DISQUALIFY DR. KINNEY**

Plaintiffs respectfully request leave to file a brief surreply in support of their opposition to Bard's pending motion to strike Plaintiffs' expert, Dr. Kinney ("Motion").

Good cause exists to file the surreply because it contains additional relevant facts that were not available to the Parties during the course of the briefing on Bard's Motion. All new facts are extracted from the recent deposition of Dr. Kinney, which was taken after briefing on the Motion was completed.

The requested surreply briefly apprises the Court of those new, additional facts adduced during the course of Dr. Kinney's deposition which are relevant to Bard's Motion. Plaintiffs believe that consideration of this new evidence is important for the Court's determination whether Bard has met its heavy burden justifying the extraordinary remedy of striking an opposing party's expert.

1 RESPECTFULLY SUBMITTED this 12th day of July 2017.

2 GALLAGHER & KENNEDY, P.A.

3 By: /s/ Paul L. Stoller
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14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on this 12th day of July, 2017, I electronically transmitted the
16 attached document to the Clerk's Office using the CM/ECF System for filing and
17 transmittal of a Notice of Electronic Filing.

18 /s/Deborah Yanazzo